

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

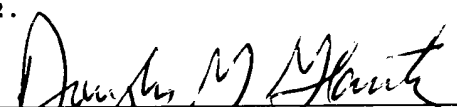
Serial No.: 10/001,543) Group Art Unit: 1724
Filed: October 31, 2001) Examiner: I. Cintins
Applicant: Sassaman, Jr. et al.) Atty. Docket No.: 352USF
For: Removing Metal Ions)
From Wastewater)

RECEIVED

OCT 10 2002

TC 1700

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, DC 20231 on September 27, 2002.


Douglas G. Glantz, Reg. No. 29,640
Date of Signature: September 26, 2002

Commissioner for Patents
Commissioner of Patents and Trademarks
Washington, DC 20231

Sir:

LETTER AND REQUEST

Applicants received a copy of an Office Action Summary and accompanying text from the United States Patent and Trademark Office in Washington, D.C. sent with a postmark on September 13, 2002 without a formal Cover Sheet PTO Form 90C. The Office Action Summary was marked "Copy of Papers Originally Filed."

The Office Action Summary has a date of June 5, 2002 on page 4. Applicants received no formal Cover Sheet PTO Form 90C indicating an official Date Mailed.

Enclosed is a copy of the Office Action Summary marked "Copy of Papers Originally Filed" and further including the text through page 4 indicating a date of June 5, 2002 and page 5

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Atty. Docket No.: 352USF


marked "Copy of Papers Originally Filed" and a copy of the Cover Envelope postmarked September 13, 2002.

Applicant's called Examiner Cintins on the telephone about this matter, and his instructions were to file this Request.

Applicants request a formal Cover Sheet PTO Form 90C and a newly issued Office Action.

Reconsideration of this application is requested.

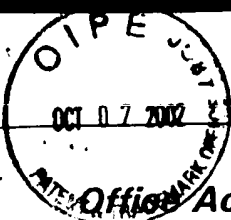
Respectfully submitted,


Douglas G. Glantz
Attorney of Record
Reg. No. 29,640

September 26, 2002

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K.D

Office Action Summary

Application No.
10/001,543

Applicant(s)
Sassaman et al.

Examiner
Ivars Cintins

Art Unit
1724



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 6 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

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ORIGINALLY FILED

Status

- 1) ☒ Responsive to communication(s) filed on May 23, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-19 **RECEIVED** is/are pending in the application.
- 4a) Of the above, claim(s) OC1 10 2002 is/are withdrawn from consideration.
- 5) ☐ Claim(s) TC 1700 is/are allowed.
- 6) ☒ Claim(s) 12-19 is/are rejected.
- 7) ☐ Claim(s) is/are objected to.
- 8) ☐ Claims are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12-19 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The parenthetical expressions recited in claims 14 (line 4), 16 (line 4) and 19 (lines 4 and 5) appear to be redundant, and hence somewhat indefinite. Also, the term "chemical precipitation unit operation" (claim 12, line 7; and claims 17-19, lines 2-3) is vague, and indefinite as to the structural limitation intended. Similarly, claims 13-16 are vague and indefinite as to the structural limitations contained therein, since the recited "wastewater" does not appear to be a structural element of the recited apparatus.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bus (U.S. Patent No. 5,558,775). The reference discloses a system comprising a carbon bed (col. 3, line 44), and a chemical precipitation unit (col. 3, line 48) downstream from the carbon bed; and this is all that is required by the apparatus limitations of claims 12-16.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hagimori et al (U.S. Patent No. 5,348,724) in view of Bowers (U.S. Patent No. 5,045,213). Hagimori et al discloses decomposing hydrogen peroxide derived from a semiconductor cleaning operation (lines 2-6 of the abstract; and col. 1, lines 21-24) with a carbon bed (col. 3, lines 59-61; and col. 4, lines 19-23). Accordingly, this reference discloses the claimed invention with the exception of the recited precipitation unit. Bowers discloses precipitating heavy metals, such as copper, from an aqueous stream with iron sulfate (col. 10, line

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14) or a dithiocarbamate compound (col. 14, lines 16-22 and 52-56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of the primary reference with the precipitating unit of the secondary reference, in order to further purify the liquid undergoing treatment in this primary reference system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (703) 308-3840. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

The fax phone numbers for this art unit are: (703) 872-9311 for "Official" faxes after Final Rejection; (703) 872-9310 for all other "Official" faxes; and (703) 872-9492 for "Draft" and other "Unofficial" faxes.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Ivars Cintins
Ivars C. Cintins
Primary Examiner
Art Unit 1724

I. Cintins
June 5, 2002

Notice of References Cited

OCT 07 2002

Application/Control No.

10/001,543

Applicant(s)/Patent Under Reexam

Sassaman et al.

Examiner

Ivars Cintins

Art Unit

1724

Page 1 of 1

U.S. PATENT DOCUMENTS

* Document Number Country Code-Number-Kind Code	Date MM-YYYY ¹	Name	Classification ²	
X A 5,045,213	9/1991	Bowers	210	709
X B 5,348,724	9/1994	Hagimori et al.	423	531
X C 5,558,775	9/1996	Busch	210	638
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TC 1700

FOREIGN PATENT DOCUMENTS

* Document Number Country Code-Number-Kind Code	Date MM-YYYY ¹	Country	Name	Classification ²	
N					
O					
P					
Q					
R					
S					
T					

NON-PATENT DOCUMENTS

* Include, as applicable: Author, Title, Date, Publisher, Edition or Volume, Pertinent Pages
U
V
W
X

* A copy of this reference is not being furnished with this Office action. See MPEP § 707.05(a).

¹ Dates in MM-YYYY format are publication dates.

² Classifications may be U.S. or foreign.